



PATENT
Attorney Docket No. 20460-001600US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SIRHAN, MOTASIM et al.

Application No.: 10/002,595

Filed: November 01, 2001

For: DELIVERY OF THERAPEUTIC
CAPABLE AGENTS

Examiner: Phan, Hieu.

Art Unit: 3738

Response to Election/Restriction
Requirement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed February 7, 2003 having a response due by March 7, 2003. The following amendments and remarks are respectfully submitted.

IN THE CLAIMS:

Please add new Claims 272 and 273 as follows:

272. (New) The device of Claim 118 wherein the rate-controlling element comprises parylast or parylene.

273. (New) A device for intracorporeal use, comprising:
an expandable structure;
a source of therapeutic capable agent disposed adjacent the expandable structure,
and at least one rate-controlling element layer comprising parylast or parylene with a thickness in a range from about 50 nm to 10 microns.

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03 FC:1202 36.00 CH

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3738

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/002,595

Filing Date November 1, 2001

First Named Inventor SIRHAN, MOTASIM

Art Unit 3738

Examiner Name Phan, Hieu

Attorney Docket Number 020460-001600US

ENCLOSURES (Check all that apply)

Fee Transmittal Form

Fee Attached

Amendment / Reply

After Final

Affidavits/declaration(s)

Extension of Time Request

Express Abandonment Request

Information Disclosure Statement

Certified Copy of Priority Document(s)

Response to Missing Parts/ Incomplete Application

Response to Missing Parts under 37 CFR 1.52 or 1.53

Drawing(s)

Licensing-related Papers

Petition

Petition to Convert to a Provisional Application

Power of Attorney, Revocation Change of Correspondence Address

Terminal Disclaimer

Request for Refund

CD, Number of CD(s)

After Allowance Communication to Group

Appeal Communication to Board of Appeals and Interferences

Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

Proprietary Information

Status Letter

Other Enclosure(s)
(please identify below):

Return Postcard

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual

Townsend and Townsend and Crew LLP

Reg. No. 47,400

Signature

Date

March 26, 2003

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: March 26, 2003

Typed or printed

Gigi Hoover

Signature

Date

March 26, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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O I P E

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U.S. PATENT & TRADEMARK OFFICE

FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 230

Complete if Known

Application Number	10/002,595
Filing Date	November 1, 2001
First Named Inventor	SIRHAN, MOTASIM
Examiner Name	Phan, Hieu
Group Art Unit	3738
Attorney Docket No.	020460-001600US

METHOD OF PAYMENT (check all that apply)

Check Credit Card MoneyOrder Other None

Deposit Account:

Deposit Account Number 20-1430

Deposit Account Name Townsend and Townsend and Crew LLP

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
- Charge any additional fee(s) during the pendency of this application
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	-271** =	Extra Claims		Fee Paid
			X\$18	
Independent Claims	12 -11** =	1	X\$84	\$84
Multiple Dependent		X		

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$120

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

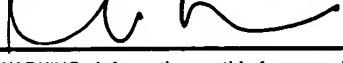
3. ADDITIONAL FEES

Large Entity	Entity	Small Entity	Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	1053 130	1053 130	Surcharge - late filing fee or oath	
1052 50	2052 25	1812 2,520	1812 2,520	Surcharge - late provisional filing fee or cover sheet	
		1804 920*	1804 920*	Non-English specification	
		1805 1,840*	1805 1,840*	For filing a request for reexamination	
		1251 110	2251 55	Requesting publication of SIR prior to Examiner action	110
		1252 410	2252 205	Requesting publication of SIR after Examiner action	
		1253 930	2253 465	Extension for reply within first month	
		1254 1,450	2254 725	Extension for reply within second month	
		1255 1,970	2255 985	Extension for reply within third month	
		1401 320	2401 160	Extension for reply within fourth month	
		1402 320	2402 160	Notice of Appeal	
		1403 280	2403 140	Filing a brief in support of an appeal	
		1451 1,510	1451 1,510	Request for oral hearing	
		1452 110	2452 55	Petition to institute a public use proceeding	
		1453 1,300	2453 650	Petition to revive – unavoidable	
		1501 1,300	2501 650	Petition to revive – unintentional	
		1502 470	2502 235	Utility issue fee (or reissue)	
		1503 630	2503 315	Design issue fee	
		1460 130	1460 130	Petitions to the Commissioner	
		1807 50	1807 50	Petitions related to provisional applications	
		1806 180	1806 180	Submission of Information Disclosure Stmt	
		8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
		1809 750	2809 375	Filing a submission after final rejection (37 CFR § 1.129(a))	
		1810 750	2810 375	For each additional invention to be examined (37 CFR § 1.129(b))	
		1801 750	2801 375	Request for Continued Examination (RCE)	
		1802 900	1802 900	Request for expedited examination of a design application	
		Other fee (specify) _____			

*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$110

SUBMITTED BY

Name (Print/Type)	Nena Bains	Registration No. (Attorney/Agent)	47,400	Telephone	415-576-0200
Signature				Date	March 26, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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